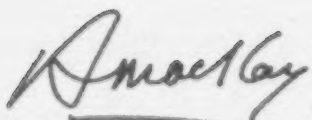
Public Prosecution Service of Canada

2013–14

Departmental Performance Report



The Honourable Peter MacKay
Minister of Justice and Attorney General of Canada

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Foreword

Departmental Performance Reports are part of the Estimates family of documents. Estimates documents support appropriation acts, which specify the amounts and broad purposes for which funds can be spent by the government. The Estimates document family has three parts.

Part I (Government Expenditure Plan) provides an overview of federal spending.

Part II (Main Estimates) lists the financial resources required by individual departments, agencies and Crown corporations for the upcoming fiscal year.

Part III (Departmental Expenditure Plans) consists of two documents. Reports on Plans and Priorities (RPPs) are expenditure plans for each appropriated department and agency (excluding Crown corporations). They describe departmental priorities, strategic outcomes, programs, expected results and associated resource requirements, covering a three-year period beginning with the year indicated in the title of the report. Departmental Performance Reports (DPRs) are individual department and agency accounts of actual performance for the most recently completed fiscal year against the plans, priorities and expected results set out in their respective RPPs. DPRs inform parliamentarians and Canadians of the results achieved for Canadians by government organizations.

Additionally, Supplementary Estimates documents present information on spending requirements that were either not sufficiently developed in time for inclusion in the Main Estimates or were subsequently refined to account for developments in particular programs and services.

The financial information in DPRs is drawn directly from authorities presented in the Main Estimates and the planned spending information in RPPs. The financial information in DPRs is also consistent with information in the Public Accounts of Canada. The Public Accounts of Canada include the Government of Canada Consolidated Statement of Financial Position, the Consolidated Statement of Operations and Accumulated Deficit, the Consolidated Statement of Change in Net Debt, and the Consolidated Statement of Cash Flow, as well as details of financial operations segregated by ministerial portfolio for a given fiscal year. For the DPR, two types of financial information are drawn from the Public Accounts of Canada: authorities available for use by an appropriated organization for the fiscal year; and, authorities used for that same fiscal year. The latter corresponds to actual spending as presented in the DPR.

The Treasury Board *Policy on Management, Resources and Results Structures* further strengthens the alignment of the performance information presented in DPRs, other Estimates documents and the Public Accounts of Canada. The policy establishes the Program Alignment

Architecture of appropriated organizations as the structure against which financial and non-financial performance information is provided for Estimates and parliamentary reporting. The same reporting structure applies irrespective of whether the organization is reporting in the Main Estimates, the RPP, the DPR or the Public Accounts of Canada.

A number of changes have been made to DPRs for 2013–14 to better support decisions on appropriations. Where applicable, DPRs now provide financial, human resources and performance information in Section II at the lowest level of the organization's Program Alignment Architecture.

In addition, the DPR's format and terminology have been revised to provide greater clarity, consistency and a strengthened emphasis on Estimates and Public Accounts information. As well, departmental reporting on the Federal Sustainable Development Strategy has been consolidated into a new supplementary information table posted on departmental websites. This new table brings together all of the components of the Departmental Sustainable Development Strategy formerly presented in DPRs and on departmental websites, including reporting on the Greening of Government Operations and Strategic Environmental Assessments. Section III of the report provides a link to the new table on the organization's website. Finally, definitions of terminology are now provided in an appendix.

Message from the Director of Public Prosecutions

I am pleased to present the 2013–2014 Departmental Performance Report of the Public Prosecution Service of Canada (PPSC).

PPSC employees have worked hard and with dedication over the past year to fulfill the organization's mandate of providing high-quality legal advice to investigative agencies and prosecuting cases within federal jurisdiction in a manner that is fair, impartial, and objective.

This report outlines the work the PPSC has done over the past year in support of that mandate within both of its program areas, and describes the progress the PPSC has made in meeting its organizational priorities. It also examines some of the challenges the PPSC faces, and the steps it has taken to respond to those challenges.

PPSC prosecutors and other staff exemplify the organization's values of respect, integrity, excellence, and leadership in their work as they make important contributions to the safety and justice of Canadian society.

Brian Saunders
Director of Public Prosecutions

Section I: Organizational Expenditure Overview

Organizational Profile

Appropriate Minister: The Honourable Peter MacKay, Minister of Justice and Attorney General of Canada

Institutional Head: Brian Saunders, Director of Public Prosecutions

Ministerial Portfolio: Justice

Enabling Instrument(s): *Director of Public Prosecutions Act*[i]

Year of Incorporation / Commencement: 2006

Organizational Context

Raison d'être

The Public Prosecution Service of Canada[ii] (PPSC) is an independent prosecution service mandated to prosecute criminal and regulatory offences under federal jurisdiction. Its sole strategic outcome is the prosecution of these offences in a manner that is independent, impartial and fair.

The PPSC plays an integral role in the criminal justice system, promoting due process and working to safeguard the rights of all those who come into contact with the justice system.

The benefits to Canadians from the work carried out by the PPSC include:

- provision of timely and independent advice to federal investigative agencies and government departments on the criminal law implications of investigations and prosecutions;
- principled and independent decisions by prosecutors; and
- confidence in the administration of justice through professionally conducted prosecutions that result in judicial determinations on the merits of the evidence.

Responsibilities

The PPSC undertakes key duties on behalf of the Attorney General of Canada and the people of Canada. These key duties, to be carried out in an objective and non-partisan manner, are:

- **The duty to act independently in making decisions related to criminal prosecutions** – This constitutional principle recognizes that decisions as to whether a prosecution should be initiated, continued or ceased, be made solely in accordance with legal criteria related to whether there is evidence that indicates a reasonable prospect of conviction and an assessment of whether the public interest requires a prosecution. Considerations of a partisan political nature are expressly excluded from the consideration of the public interest.
- **The duty to act independently in providing prosecution-related legal advice** – While prosecution-related advice to law enforcement and other federal investigative agencies will take into account the agency's legal and policy setting, prosecutors cannot be drawn into the agency's policy making and program administration such that their ability to provide impartial, accurate and effective legal advice is undermined.

Areas of Prosecution

The PPSC prosecutes cases under federal statutes that are referred to it by the Royal Canadian Mounted Police (RCMP), other federal investigative agencies, and provincial and municipal police forces.

It is responsible for the prosecution of all drug offences initiated on behalf of the government of Canada under the *Controlled Drugs and Substances Act*, regardless of whether a federal, provincial, or municipal police agency lays the charges, in all provinces except Quebec and New Brunswick[iii]. In the latter two provinces, the PPSC is responsible for drug charges laid by the RCMP only.

In all provinces and territories, the PPSC prosecutes offences under federal statutes aimed at protecting the environment and natural resources as well as the country's economic and social health (e.g., *Fisheries Act*, *Income Tax Act*, *Copyright Act*, *Canada Elections Act*, *Canadian Environmental Protection Act, 1999*, *Competition Act*, *Customs Act*, *Excise Act*, and *Excise Tax Act*), and includes offences involving fraud against the government, capital market fraud offences, along with conspiracies and attempts to violate any of these statutes. In total, the PPSC may be called upon to prosecute offences under 250 federal statutes. However, the PPSC routinely provides advice in relation to, and prosecutes offences under, approximately 40 of those statutes.

In the three territories, the PPSC prosecutes all *Criminal Code* offences as well as offences under all other federal legislation and certain territorial statutes. In the provinces, the PPSC has concurrent jurisdiction to prosecute certain *Criminal Code* offences, including those related to terrorism, criminal organizations, fraud, money laundering and proceeds of crime. Under arrangements with the provinces, the PPSC may prosecute *Criminal Code* offences that are otherwise within exclusive provincial jurisdiction when the accused also faces more serious charges within federal jurisdiction.

Performance information on each of these areas of prosecution can be found in Section II of this document.

The PPSC does not have authority to direct investigations. It responds to requests for prosecution-related advice from investigators. Such advice is crucial to ensure that investigative techniques and procedures are consistent with evolving rules of evidence and with protections under the *Canadian Charter of Rights and Freedoms*. The advantage of early prosecutorial advice is that it reduces the risk that investigative decisions, such as those about methods of obtaining evidence, will detrimentally affect the admissibility of evidence at trial or the constitutional rights of Canadians.

Strategic Outcome and Program Alignment Architecture

1. Strategic Outcome: Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner.

1.1 Program: Drug, *Criminal Code*, and terrorism prosecution program

1.2 Program: Regulatory offences and economic crime prosecution program

Internal Services

Organizational Priorities

Priority	Type[1]	Strategic Outcome(s) [and/or] Program(s)
Personal security of employees	Ongoing	- Drug, *Criminal Code*, and terrorism prosecution program - Regulatory offences and economic crime prosecution program - Internal Services
Summary of Progress		
• In 2013–14, the PPSC completed the implementation of its Strategic Security Plan, establishing a framework to ensure employee safety and security throughout the organization. • During the course of the year, security practices in the Atlantic Region were reviewed as part of the 2013 internal audit conducted in that office and measures were identified to respond to the recommendations of the audit. • During the year, the PPSC conducted a preliminary internal survey of security to assess the adequacy and effectiveness of the management framework in place for security of information, personnel, and physical security. The internal survey concluded that the PPSC had made significant progress towards the implementation of a security program since the creation of the Security Section in April 2009.		

1. Type is defined as follows: previously committed to—committed to in the first or second fiscal year prior to the subject year of the report; ongoing—committed to at least three fiscal years prior to the subject year of the report; and new—newly committed to in the reporting year of the RPP or DPR. If another type that is specific to the department is introduced, an explanation of its meaning will be provided.

Priority	Type[1]	Strategic Outcome(s) [and/or] Program(s)
Using resources effectively	Ongoing	- Drug, *Criminal Code*, and terrorism prosecution program - Regulatory offences and economic crime prosecution program - Internal Services

Summary of Progress

- The PPSC optimized the approaches it uses to align resources to case demands through the refinement of its assessment of file complexity, regular reviews of file assignment based on counsel level, and a benchmarking pilot project.
- A revised complexity assessment reference table for litigation files, implemented in April 2013, retains the low, medium, and high complexity levels, but the mega file level of complexity has been collapsed into the high-complexity level to simplify file categorization. Complexity levels help to ensure that appropriate resources are assigned to the files and also assist the PPSC in measuring overall workload and level of effort for litigation files.
- The PPSC continues to improve the capabilities of internal systems to supply the required data to support performance measurement relating to internal and legal services, including the development of benchmarks for high volume prosecution types.

Priority	Type[1]	Strategic Outcome(s) [and/or] Program(s)
Employee training and development	Ongoing	- Drug, *Criminal Code*, and terrorism prosecution program - Regulatory offences and economic crime prosecution program - Internal Services

Summary of Progress

- In 2013–14, the PPSC conducted an audit of learning, training and professional development in the organization, and developed a management action plan to clarify roles and improve processes and coordination to ensure a better return on investment. Steps were taken to increase the use of technologies such as videoconferencing and WebEx to provide access to learning opportunities throughout the organization, including in regional offices and smaller local offices.

- The PPSC also launched the Federal Prosecutor Development Program, a comprehensive program of training, mentoring, and on-the-job activities for new prosecutors. Forty-four prosecutors were placed in the program's initial intake. In addition, the PPSC created a major case checklist for paralegals, to enable them to follow consistent best practices when dealing with certain types of files.

Priority	Type[1]	Strategic Outcome(s) [and/or] Program(s)
Working collaboratively with investigative agencies	Ongoing	- Drug, *Criminal Code*, and terrorism prosecution program - Regulatory offences and economic crime prosecution program - Internal Services

Summary of Progress

- When requested, the PPSC provided police and investigative agencies with prosecution-related advice to promote the use of investigative techniques and procedures that conform to the evolving rules of evidence and to the protections found in the *Canadian Charter of Rights and Freedoms*.
- The PPSC pursued its efforts to broaden the use of the Report to Crown Counsel by the police and investigative agencies, and to standardize the information provided to the Crown for court proceedings. This helps to ensure the consistency and completeness of the investigation files sent to the PPSC. This collaborative effort also allowed the PPSC and investigative agencies to develop training programs for investigators in keeping with the demands arising from current legal trends and the ongoing evolution of investigative tools and techniques.
- The PPSC also put greater emphasis on ensuring ongoing communication and liaison with police and investigative agencies, both at the national and local levels and at the management and front-line levels, to discuss overall enforcement priorities and directions, upcoming investigations, project files, and any other matters of mutual interest.

Risk Analysis

Key Risks

Risk	Risk Response Strategy	Link to Program Alignment Architecture
Legal capacity within the PPSC may become insufficient	• Continue to monitor capacity levels of senior litigators and ensure that resources and workload of all legal staff are efficiently aligned.	- Drug, *Criminal Code*, and terrorism prosecution program - Regulatory offences and economic crime prosecution program
Capacity challenges faced by the criminal justice system may limit the PPSC's ability to achieve its objectives.	• Promote greater communication with the police and other investigative agencies during the course of investigations with a focus on ensuring the investigations are prosecutable cases. • Make use of direct indictments in major cases where justified in law. • Work with external partners and review provincial initiatives to improve efficiencies in the criminal justice system.	- Drug, *Criminal Code*, and terrorism prosecution program - Regulatory offences and economic crime prosecution program
PPSC staff may be subject to threats or intimidation or PPSC premises may be subject to violence.	• Finalize implementation of the PPSC's Employee Protection Plan. • Offer training on security awareness and in other areas to ensure all staff have the tools they need to safely conduct their work.	- Drug, *Criminal Code*, and terrorism prosecution program - Regulatory offences and economic crime prosecution program - Internal Services

Actual Expenditures

Budgetary Financial Resources (dollars)

2013–14 Main Estimates	2013–14 Planned Spending	2013–14 Total Authorities Available for Use	2013–14 Actual Spending (authorities used)	Difference (actual minus planned)
162,429,112	169,389,820	190,009,051	185,293,541	15,903,721

Human Resources (Full-Time Equivalents [FTEs])

2013–14 Planned	2013–14 Actual	2013–14 Difference (actual minus planned)
1000	966	34

Budgetary Performance Summary for Strategic Outcome and Programs (dollars)

Strategic Outcome, Programs and Internal Services	2013–14 Main Estimates	2013–14 Planned Spending	2014–15 Planned Spending	2015–16 Planned Spending	2013–14 Total Authorities Available for Use	2013–14 Actual Spending (authorities used)	2012–13 Actual Spending (authorities used)	2011–12 Actual Spending (authorities used)
Strategic Outcome: Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner								
Drug, *Criminal Code*, and terrorism prosecution program	124,815,072	130,671,078	130,561,345	130,335,150	139,441,804	137,105,995	122,714,750	117,158,893
Regulatory offences and economic crime prosecution program	16,168,409	16,652,580	16,609,866	16,483,207	19,859,672	18,552,131	14,443,793	13,986,904
Subtotal	***140,983,481***	***147,323,658***	***147,171,211***	***146,818,357***	***159,301,476***	***155,658,126***	***137,158,543***	***131,145,797***
Internal Services Subtotal	21,445,631	22,066,162	21,500,576	19,316,126	30,707,575	29,635,415	26,208,280	25,297,853
Total	**162,429,112**	**169,389,820**	**168,671,787**	**166,134,483**	**190,009,051**	**185,293,541**	**163,366,823**	**156,443,650**

The variances between the fiscal years are described below:

- *2013-14 Actual Spending against 2013-14 Planned Spending:* $15.9 million increase in actual spending is mostly due to payments for the relocations and refit of offices, new collective bargaining settlements, payments to terminate severance pay entitlements, as well as an increase in recoveries from Other Government Departments and Agencies (OGDs) for legal services.
- *2013-14 Authorities Available against 2013-14 Authorities Used (Actual Spending):* The unused authorities of $4.7 million are from an operating surplus.
- *2013-14 Actual Spending against 2012-13 Actual Spending:* The increase in expenditures of $21.9M from 2012-13 is due to payments for the relocation and refit of offices, new collective bargaining settlements, payments to terminate severance pay entitlements, as well as an increase in legal services which were recovered from OGDs.

Alignment of Spending With the Whole-of-Government Framework

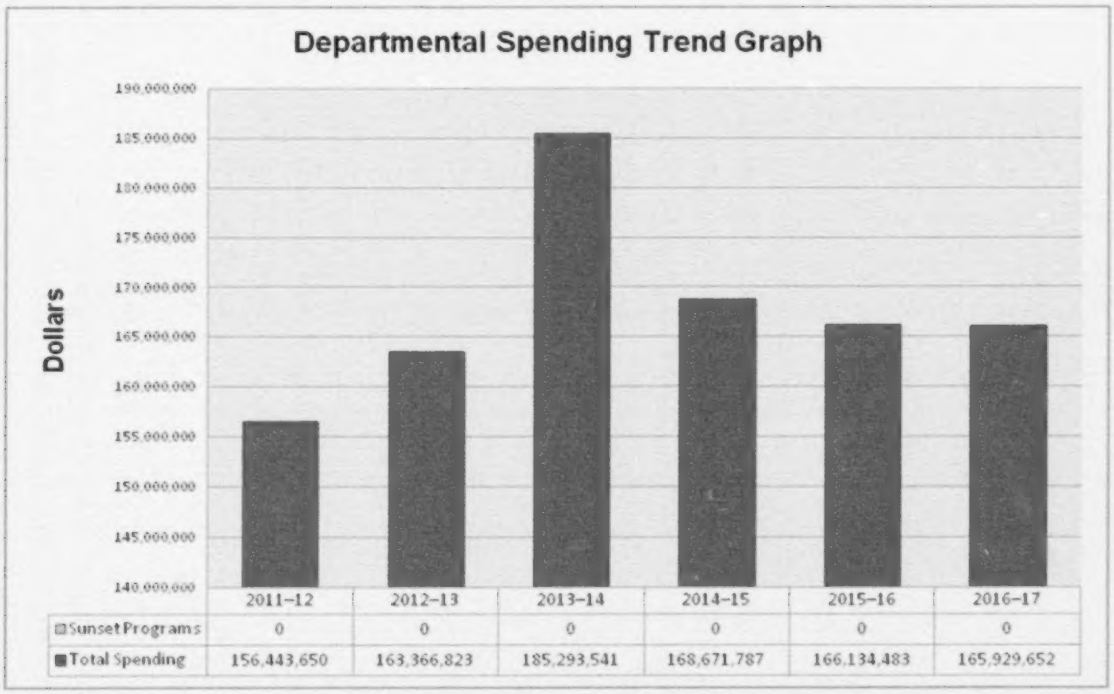
Alignment of 2013–14 Actual Spending With the Whole-of-Government Framework[iv] (dollars)

Strategic Outcome	Program	Spending Area	Government of Canada Outcome	2013–14 Actual Spending
Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner	Drug, *Criminal Code*, and terrorism prosecution program	Social Affairs	A safe and secure Canada	137,105,995
	Regulatory offences and economic crime prosecution program	Social Affairs	A safe and secure Canada	18,552,131

Total Spending by Spending Area (dollars)

Spending Area	Total Planned Spending	Total Actual Spending
Social Affairs	147,323,658	155,658,126

Departmental Spending Trend



	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17
Sunset Programs	0	0	0	0	0	0
Total Spending	156,443,650	163,366,823	185,293,541	168,671,787	166,134,483	165,929,652

The increase in actual spending levels in the first three years is generally due to payments for new collective bargaining settlements, severance and office relocations. The decrease in planned spending levels for the last three years is a result of the government review exercises from Budget 2010 and 2012.

Estimates by Vote

For information on the PPSC's organizational votes and statutory expenditures, consult the *Public Accounts of Canada 2014* on the Public Works and Government Services Canada website.[v]

Section II: Analysis of Programs by Strategic Outcome

Strategic Outcome: Criminal and regulatory offences under federal law are prosecuted in an independent, impartial and fair manner

Performance Measurement

Performance Indicators	Targets	Actual Results
Number and nature of judicial stays for abuse of process based on the conduct of a federal prosecutor	Zero	Zero
Number and nature of successful malicious prosecution lawsuits	Zero	Zero
Number and nature of substantiated complaints regarding the PPSC's independence, impartiality or fairness	Zero	Zero

Judicial stays for abuse of process involve a disposition where the court does not allow a prosecution to proceed because of objectionable police or prosecutorial conduct and/or a violation of the rights of the accused.

Plaintiffs suing Crown prosecutors for malicious prosecution must prove, among other matters, that the prosecution was undertaken without reasonable and probable cause, and was motivated by malice or a primary purpose other than that of carrying the law into effect.

Complaints regarding the PPSC's independence, impartiality or fairness may be made to the courts or to the PPSC under its Complaints Policy. The policy is available on the PPSC's website[vi].

Programs

The role of a prosecutor is not to win a conviction at any cost but to put before the court all available, relevant, and admissible evidence necessary to enable the court to determine the guilt or innocence of the accused. Hence, the performance indicators and results for both the Drug, *Criminal Code* and Terrorism Prosecution Program (P 1.1) and the Regulatory Crime and Economic Prosecution Program (P 1.2) are based on the extent to which prosecutions result in a determination on the merits of the evidence.

The PPSC considers that a case is decided on its merits when:

- a judge or jury determines the guilt or innocence of an accused person after a trial;
- a judge determines after a guilty plea that a conviction or discharge is appropriate; or
- a Crown prosecutor stays or withdraws a charge as a result of an assessment that the case does not meet the test for prosecution, or as a result of a plea of guilty being entered to a serious charge rendering proceedings on a less serious charge redundant.

Cases not decided on the merits are those that are stayed by the court, and for which, as a result, there is no outcome decided by a judge or jury based on the evidence of guilt or innocence. Unless appealed, a judicially imposed stay will generally mean discontinuance or permanent suspension of the proceedings. Judicial stays are rare. They can be ordered by a court as a *Charter* remedy for undue delay in bringing a case to trial or upon a finding of abuse of process due to, for example, entrapment by police authorities.

Program 1.1: Drug, *Criminal Code* and terrorism prosecution program

Description

This program supports the protection of society against crime through the provision of legal advice and litigation support during police investigations, and the prosecution of all drug offences under the *Controlled Drugs and Substances Act* and any related organized crime offences throughout Canada, except in Quebec and New Brunswick, where the PPSC prosecutes such offences only where charges are laid by the RCMP; proceeds of crime offences; pursuant to understandings with the provinces, *Criminal Code* offences where they are related to drug charges; all *Criminal Code* offences in the three territories; terrorism offences; and war crimes and crimes against humanity offences. This program also involves the promotion of federal/provincial/territorial cooperation on criminal justice issues of mutual concern.

Budgetary Financial Resources (dollars)

2013–14 Main Estimates	2013–14 Planned Spending	2013–14 Total Authorities Available for Use	2013–14 Actual Spending (authorities used)	2013–14 Difference (actual minus planned)
124,815,072	130,671,078	139,441,804	137,105,995	6,434,917

Human Resources (Full-Time Equivalents [FTEs])

2013–14 Planned	2013–14 Actual	2013–14 Difference (actual minus planned)
680	673	7

Performance Results

Expected Results	Performance Indicators	Targets	Actual Results
Litigation files that are prosecuted are decided on merit	Percentage of all litigation files pursued for prosecution that are decided on merit (i.e., by most serious outcome of guilty plea, guilty plea (other/lesser offence), conviction, conviction (other/lesser offence), discharge, withdrawal of charge, stay of proceedings (Crown), acquittal)	Not Applicable	

Decisions	# of Files	% of total files
Guilty Plea	17,090	56.97%
Guilty Plea (Other/Lesser Off.)	921	3.07%
Conviction	1,707	5.69%
Conviction (Other/Lesser Off.)	75	0.25%
Discharge	323	1.08%
Withdrawal of Charge	6,241	20.81%
Stay of Proceedings (Crown)	3,038	10.13%
Acquittal	602	2.01%
Total:	29,997	100.00%

Disposition of cases that are not decided on merit	Percentage of litigation files not decided on merit, i.e., judicial stay of proceedings	Not Applicable	**Decisions**	**# of Files**	**% of total files**
			Judicial Stay of Proceedings	25	100.00%
			Total:	**25**	**100.00%**

Performance Analysis and Lessons Learned

A significant portion of the PPSC's total caseload is comprised of drug prosecution files. In 2013-14, the PPSC handled 64,456 prosecution files related to offences under the CDSA. Of these, 37,027 were new and 27,429 were carried over from previous years. These prosecutions vary greatly in complexity; many are cases of possession of small quantities of marihuana, while others involve complex schemes to import large quantities of cocaine or to manufacture methamphetamine for domestic use or for export.

Trafficking in drugs is one of the key activities of most organized crime groups. Cases involving criminal organizations have increased in recent years, largely as a result of police forces focusing more of their efforts on investigations of such organizations. In 2013–14, the PPSC handled 444 serious drug offence-related files that identified an organized crime element as part of the charge. Over the past year, PPSC prosecutors provided advisory assistance to police in respect of a number of significant organized crime investigations.

In Canada's three Northern territories, the PPSC prosecutes all *Criminal Code* offences, in addition to offences under other federal legislation and, under arrangements with the territories, certain offences under territorial legislation. In 2013– 2014, the PPSC was responsible for 9,069 files in the territories, of which 8,433 involved *Criminal Code* offences. Of those files, 6,789 were new and 2,280 were carried over from previous years. Fifty of the *Criminal Code* files were homicide or attempted murder files. Northern prosecutions also included 514 files involving drug offences, 206 files involving regulatory offences, and 319 files involving territorial offences. Some files involved multiple offences.

Additional information on performance under this program, including outreach activities, can be found in the *PPSC Annual Report 2013-2014*[vii] on the PPSC's website, under Publications.

Program 1.2: Regulatory offences and economic crime prosecution program

Description

This program supports the protection of society against crime through the provision of legal advice and litigation support to police and federal investigative agencies, and the prosecution of offences under federal statutes aimed at protecting the environment and natural resources as well as the country's economic and social health (e.g., *Fisheries Act*, *Income Tax Act*, *Copyright Act*, *Canada Elections Act*, *Canadian Environmental Protection Act, 1999*, *Competition Act*, *Customs Act*, *Excise Act*, and *Excise Tax Act*); offences involving fraud against the federal government; capital market fraud offences; and conspiracies and attempts to violate any of these statutes. This program also includes the recovery of outstanding federal fines and the promotion of federal/provincial/territorial cooperation on criminal justice issues of mutual concern.

Budgetary Financial Resources (dollars)

2013–14 Main Estimates	2013–14 Planned Spending	2013–14 Total Authorities Available for Use	2013–14 Actual Spending (authorities used)	2013–14 Difference (actual minus planned)
16,168,409	16,652,580	19,859,672	18,552,131	1,899,551

Human Resources (Full-Time Equivalents [FTEs])

2013–14 Planned	2013–14 Actual	2013–14 Difference (actual minus planned)
190	167	23

Performance Results

<table>
<tr><th>Expected Results</th><th>Performance Indicators</th><th>Targets</th><th>Actual Results</th></tr>
<tr><td>Litigation files that are prosecuted are decided on merit</td><td>Percentage of all litigation files pursued for prosecution that are decided on merit (i.e., by most serious outcome of guilty plea, guilty plea (other/lesser offence), conviction, conviction (other/lesser offence), discharge, withdrawal of charge, stay of proceedings (Crown), acquittal)</td><td>Not Applicable</td><td>
<table>
<tr><th>Decisions</th><th># of Files</th><th>% of total files</th></tr>
<tr><td>Guilty Plea</td><td>3521</td><td>51.62%</td></tr>
<tr><td>Guilty Plea (Other/Lesser Off.)</td><td>72</td><td>1.06%</td></tr>
<tr><td>Conviction</td><td>960</td><td>14.07%</td></tr>
<tr><td>Conviction (Other/Lesser Off.)</td><td>10</td><td>0.15%</td></tr>
<tr><td>Discharge</td><td>38</td><td>0.56%</td></tr>
<tr><td>Withdrawal of Charge</td><td>693</td><td>10.16%</td></tr>
<tr><td>Stay of Proceedings (Crown)</td><td>1308</td><td>19.18%</td></tr>
<tr><td>Acquittal</td><td>219</td><td>3.21%</td></tr>
<tr><td>Total:</td><td>6,821</td><td>100.00%</td></tr>
</table>
</td></tr>
<tr><td>Disposition of cases that are not decided on merit</td><td>Percentage of litigation files not decided on merit, i.e., judicial stay of proceedings</td><td>Not Applicable</td><td>
<table>
<tr><th>Decisions</th><th># of Files</th><th>% of total files</th></tr>
<tr><td>Judicial Stay of Proceedings</td><td>3</td><td>100.00%</td></tr>
<tr><td>Total:</td><td>3</td><td>100.00%</td></tr>
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Performance Analysis and Lessons Learned

The PPSC provides prosecution services related to legislation aimed at protecting the environment and the safety, health, economic security, and general welfare of the public. In addition to the imposition of fines and sentences of imprisonment, these cases can result in the imposition of measures designed to enhance public health and safety, improve the management and protection of environmental resources, or discourage financial and economic malfeasance. In 2013–2014, the PPSC handled 6,933 files involving regulatory and economic offences, of which 3,323 were carried over from previous years.

The PPSC retains the services of private-sector lawyers as agents to conduct prosecutions where it does not have a regional office or where it is impractical or otherwise not cost-effective for staff counsel to handle cases. In 2013–14, 42,780 files of the total PPSC caseload were handled

by agents. Of these, 23,599 were new files and 19,181 were carried over from previous years. Most cases handled by agents relate to drug offences but also include regulatory offences. The Agent Affairs Program is responsible for ensuring that agents provide high-quality legal services at a reasonable cost. Each of the PPSC's regional offices (with the exception of the Northern regional offices where agents are rarely retained) has an Agent Supervision Unit to handle the day-to-day supervision of agents and to support them in their work.

In 2013–14, the PPSC continued to provide pre-charge advice to RCMP units engaged in the investigation of alleged offences under the *Corruption of Foreign Public Officials Act* (CFPOA). The work of PPSC prosecutors in Ottawa resulted in the first conviction of an individual under the CFPOA. In addition, five individuals have been charged with violations of the CFPOA in relation to a bridge project in Bangladesh. PPSC prosecutors from Montreal and Toronto are working together to conduct these prosecutions. The PPSC's activities in relation to anti-corruption were subject to on-site reviews by both the Organization of American States and the United Nations. These reviews were part of the ongoing efforts by each organization to monitor the implementation of its respective anti-corruption convention to which Canada is a signatory. Canada's involvement in these organizations helps provide an ongoing international focus on corruption issues.

As an independent and accountable prosecuting authority, the PPSC has developed its own policy manual, the PPSC Deskbook. The Deskbook sets out the guiding principles that all federal prosecutors must follow for the initiation and conduct of prosecutions. It contains the directives and guidelines that guide all federal prosecutors in the exercise of their prosecutorial discretion. The Deskbook is publicly available on the PPSC's website.

In May 2013, the PPSC's Federal Prosecutor Development Program (FPDP) was launched. The FPDP is a comprehensive program of training, mentoring, and on-the-job activities, designed to provide prosecutors with the opportunity to advance from the developmental level (LP-01) to the working level (LP-02) through specific training designed to help them gain the knowledge, experience and competencies needed to meet the level requirements. Forty-four prosecutors were placed in the program's initial intake.

Additional information on performance under this program, including outreach activities, can be found in the *PPSC Annual Report 2013-2014*[viii] on the PPSC's website, under Publications.

Internal Services

Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

Budgetary Financial Resources (dollars)

2013–14 Main Estimates	2013–14 Planned Spending	2013–14 Total Authorities Available for Use	2013–14 Actual Spending (authorities used)	2013–14 Difference (actual minus planned)
21,445,631	22,066,162	30,707,575	29,635,415	7,569,253

Human Resources (FTEs)

2013–14 Planned	2013–14 Actual	2013–14 Difference (actual minus planned)
130	126	3

Performance Analysis and Lessons Learned

In 2013–14, the PPSC completed the consolidation of the Headquarters office in the National Capital Region. It also completed the relocation of the National Capital Regional Office, the Nunavut Regional Office and the Calgary office.

The Human Resources Directorate repatriated the majority of the human resources services previously provided to the PPSC by the Department of Justice Canada. An innovative service delivery model was introduced, which provides for a more cohesive approach to the planning and delivery of human resources services within the PPSC. It also successfully implemented the TBS Common Human Resource Business Process model to modernize and streamline HR administrative processes and procedures.

The Finance and Acquisitions Directorate implemented the centralization and standardization of acquisition processes and services that resulted in the creation of a centralized office. The Directorate also transformed business processes to implement government policies and reporting requirements for travel, hospitality, conference and events expenditures and to pay Crown agents' fees and disbursements directly and to recover costs from government departments and agencies for the provision of prosecution services.

Section III: Supplementary Information

Financial Statements Highlights

Public Prosecution Service of Canada
Condensed Statement of Operations and Net Financial Position (unaudited)
For the Year Ended March 31, 2014
(dollars)

	2013–14 Planned Results*	2013–14 Actual	2012–13 Actual*	Difference (2013–14 actual minus 2013–14 planned)	Difference (2013–14 actual minus 2012–13 actual)
Total expenses	192,728,000	210,830,869	193,423,000	18,102,869	17,407,869
Total revenues	17,742,000	22,911,311	16,842,000	5,169,311	6,069,311
Net cost of operations before government funding and transfers	174,986,000	187,919,558	176,581,000	12,933,558	11,338,558
Net financial position	(4,972,000)	(4,135,660)	(18,160,000)	836,340	14,024,340

*rounded to thousands

Public Prosecution Service of Canada
Condensed Statement of Financial Position (unaudited)
As at March 31, 2014
(dollars)

	2013–14	2012–13*	Difference (2013–14 minus 2012–13)
Total net liabilities	31,973,772	44,497,000	(12,523,228)
Total net financial assets	14,944,467	17,377,000	(2,432,533)
Net debt	17,029,304	27,120,000	(10,090,696)
Total non-financial assets	12,893,645	8,960,000	3,933,645
Net financial position	(4,135,660)	(18,160,000)	14,024,340

*rounded to thousands

Financial Highlights – Graphs

Assets by Type

Financial assets include amounts due from the consolidated revenue fund (CRF), accounts receivable and advances, and tangible capital assets:

- Amounts due from the CRF are the aggregate of all public moneys on deposit at the credit of the Receiver General for Canada responsible for safeguarding the integrity of the CRF and issuing all payments out of this fund for departments and agencies. It represents $12.8 million (or 46% of assets) and the net amount between accounts payable remaining at the end of the fiscal year and accounts receivable from Other Government Departments and Agencies (OGDs).
- The accounts receivable amount of $2.1 million (or 8% of assets) mostly represents expenses to be recovered from OGDs for the provision of advisory and prosecution services.
- Tangible capital assets owned by the PPSC total $12.9 million (or 46% of assets), with most falling within the categories of Furniture and Furnishings and Leasehold Improvements.

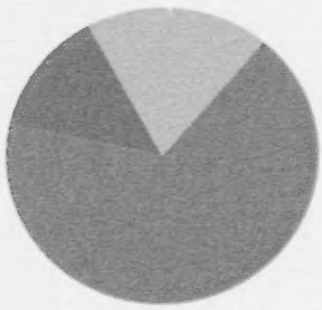
Revenues by Type

Total revenues earned ($24.3 million) were primarily comprised of $22.9 million (or 94% of total revenues) in respendable revenues from the provision of advisory and prosecution services to OGDs and $1.4 million (or 6%) in non-respendable revenues from the collection of fines, forfeitures and court costs ($868,000) and the rent from residential housing provided to employees and other revenues ($513,000).

Liabilities by Type

Liabilities arising from PPSC activities consisted of:

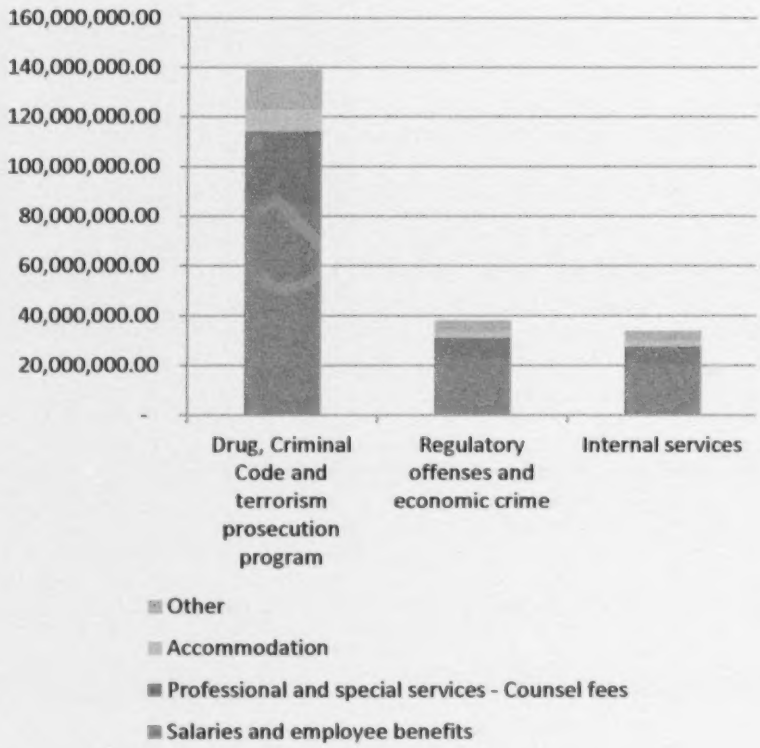
- accounts payable and accrued liabilities of $21.5 million (or 67% of liabilities)
- vacation pay and compensatory leave totalling $4.4 million (or 14% of liabilities)
- employee future benefits of $6.1 million (or 19% of liabilities). Future benefits represent the PPSC's accumulated obligation at the end of the year once related yearly expenses have been deducted.



Expenses by Type and Program

Total expenses were $210.8 million, an increase of $17.4 million over the previous year's total expenses.

- Salary expenses represented $127.7 million (or 61% of total expenses). Increases in expenses are due to payments for new collective bargaining settlements, and payments to terminate severance pay entitlements.
- Accommodation expenses, relating to the relocation and refit of offices, totalled $13.6 million (or 6% of total expenses).
- Counsel fees totalled $45.2 million (or 21% of total expenses).
- Other operating costs of $24.3 million (or 12% of total expenses).



The expense distribution is representative of the PPSC's caseload where the majority of prosecution files are related to Drug, *Criminal Code* and terrorism offences.

Financial Statements

The PPSC's financial statements[ix] can be found on its website under Publications.

Annual Expenditures for Travel, Hospitality and Conferences

As required by the Treasury Board Directive for the Management of Expenditures on Travel, Hospitality and Conferences, information on the PPSC's total annual expenditures for each of travel, hospitality and conferences for the fiscal year ending March 31, 2014 can be found on the PPSC's website[x].

Supplementary Information Tables

The following supplementary information table can be found on the PPSC's website[xi] under Publications.

- Internal Audits and Evaluations

Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations*[xii] publication. The tax measures presented in the ***Tax Expenditures and Evaluations*** publication are the sole responsibility of the Minister of Finance.

Section IV: Organizational Contact Information

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Appendix: Definitions

appropriation: Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures: Include operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Departmental Performance Report: Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Reports on Plans and Priorities. These reports are tabled in Parliament in the fall.

full-time equivalent: Is a measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

Government of Canada outcomes: A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

Management, Resources and Results Structure: A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

non-budgetary expenditures: Include net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance: What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve and how well lessons learned have been identified.

performance indicator: A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting: The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

planned spending: For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their RPPs and DPRs.

plans: The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

priorities: Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

program: A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

results: An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

Program Alignment Architecture: A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

Report on Plans and Priorities: Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

Strategic Outcome: A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

sunset program: A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target: A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

whole-of-government framework: Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.

Endnotes

i *Director of Public Prosecutions Act,* http://laws-lois.justice.gc.ca/eng/acts/D-2.5/page-1.html

ii Office of the Director of Public Prosecutions (ODPP) is the PPSC's legal title, whereas Public Prosecution Service of Canada (PPSC) is its applied title.

iii In New Brunswick, the RCMP acts as the provincial police and also provides police services to some municipalities.

iv Whole-of-Government Framework, http://www.tbs-sct.gc.ca/ppg-cpr/frame-cadre-eng.aspx

v *Public Accounts of Canada 2014*, http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html

vi PPSC website, http://www.ppsc.gc.ca/eng/cmp-pln/index.html

vii http://www.ppsc-sppc.gc.ca/eng/pub/ar-ra/2013_2014/index.html

viii http://www.ppsc-sppc.gc.ca/eng/pub/ar-ra/2013_2014/index.html

ix http://www.ppsc-sppc.gc.ca/eng/pub/index.html

x http://www.ppsc-sppc.gc.ca/eng/pub/index.html

xi http://www.ppsc-sppc.gc.ca/eng/pub/index.html

xii *Tax Expenditures and Evaluations publication*, http://www.fin.gc.ca /purl/taxexp-eng.asp